

REMARKS

Claims 51-59 were pending in the application. In the instant Amendment, claims 51-52, 54-55, 56, and 58-59 have been amended to clarify the invention. Upon entry of the above-made amendments, claims 51-59 will be pending.

Claim 51 has been amended to clarify that step (2) determines statistical significance of said similarity between said *determined* interpolated response profile and said diagnostic profile such that the claim step has proper antecedent basis (emphasis added). Claim 51 has also been amended to recite in the last line of step (1) that the level of disease state “correlated to said determined interpolated response profile indicates said level of said disease state *of said subject*” (emphasis added). Claim 51 has further been amended to recite in step (3) that said patient is diagnosed as “having said level of said disease *correlated to said determined interpolated response profile* if said statistical significance is at least 95%” (emphasis added). These amendments are intended to make the claim language clearer. Claim 51 has also been amended to delete the recitation “said level of said disease state in said subject by a method comprising determining” from the first and second lines of step (1) to make the claim language more concise.

Claims 52 and 56 have been amended to recite that said *determined* interpolated response profile yields a maximum correlation (claim 52) or a minimum difference (claim 56) between said diagnostic profile and said *determined* interpolated response profile such that the claims have proper antecedent basis (emphasis added).

Claims 54-55 and 58-59 have been amended by replacing the numerical designation of claim steps with alphabetical designation so that the steps in these claims are distinguishably designated in view of those of the base claim.

No new matter has been added by these amendments. Entry of the foregoing amendments and consideration of the following remarks are respectfully requested.

APPLICANTS' INTERVIEW SUMMARY

Applicants thank Examiner Ardin Marschel, Ph.D., for the courtesies extended during the telephone interview on April 27, 2004 (hereinafter “the Interview”) with Applicants’ representatives Adriane M. Antler, Ph.D., and Weining Wang, Ph.D. During the interview, the claim rejection under 35 U.S.C. § 112, second paragraph, and the claim rejection under 35 U.S.C. § 102 (b) and (e)(2) based on Swift et al., U.S. Patent No. 5,464,742 (“Swift”), or,

INT. SUM. OK
AM 9-17-04